THE HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
THE HON'BLE SRI JUSTICE P. SWAROOP REDDY

WRIT PETITION NO.17956 OF 2007

Date: 6.9.2007

Between:

Smt. Elipe Rama Kumari … Petitioner.

And

The Superintendent of Police,
East Godavari District, Kakinada
and others. …. Respondents.

ORAL ORDER: **(per A. Gopal Reddy, J)**

This Writ Petition is filed by one Smt. Elipe Rama Kumari wife of the alleged detenu for issuance of a writ of habeas corpus for production of her husband alleging that her husband previously worked as a reporter in Praja Shakti Newspaper for some time, that he is now doing finance business, that on 2.8.2007 she went to Mummidivaram Village to see her sister who underwent operation, that as she (petitioner) was admitted in hospital due to leg injury her husband came to hospital on 4.8.2007 to see her and went away and thereafter on 6.8.2007 he came to Mummidivaram at midnight and then the police of Mummidivaram P.S. have forcibly taken away her husband and kept him in the police custody illegally.

Respondent No.4 – Station House Officer, Mummidivaram Police Station filed a counter stating that one B. Venkateswarlu resident of Karavakulanka, H/o Guttina Veedhi, I. Polavaram Mandal lodged a complaint with the police stating that the complainant and his family members went to their relatives house at Kakinada, that on 8.8.2007 at about 8.00 a.m. one of his relatives informed him on phone that the lock of his house was broken and some unknown offenders gained entry into their house, that on such information, the complainant immediately rushed to his house and found that one gold chain weighing 32 gms., 450 arab dinars, 15 silk sarees, one safari dress, one shirt bit and one suit case, all worth about Rs.51,500/- were stolen by some unknown offenders and on the basis of the said complaint a case in Cr.No.51/2007 for the offences punishable under Sections 457

and 380 IPC was registered and investigation was taken up. On 22.8.2007, during the course of investigation the police found that the alleged detenu was moving under suspicious circumstances in Santha Market of Mummidviaram and on seeing the police he tried to escape, but the police party chased and caught hold of him and on examination he confessed to have committed the above offence and various other offences which are detailed in the counter. On the same day, the Circle Inspector of Police, Mummidivaram effected arrest of the accused and he was produced before the Judicial First Class Magistrate, Mummidivaram on 2.3.8.2007. On production of the detenu, the learned Magistrate remanded the detenu to judicial custody and pursuant to the same the detenu was now lodged in Sub-Jail, Amalapuram.

In view of the fact that the alleged detenu was arrested in connection with his involvement in various offences as detailed in the counter and since lawful orders have been obtained by the police for his remand to judicial custody, no further orders need be passed in the writ petition. The Writ petition is accordingly dismissed.

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A. GOPAL REDDY, J

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7th September, 2007 **P. SWAROOP REDDY, J**

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